

TOWN OF GRAFTON

I. PURPOSE AND SCOPE:

The purpose of this policy is to outline the responsibilities of employees, supervisors, and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety sensitive positions in accordance with the U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-Free Workplace Act of 1988.

II. APPLICABILITY:

This policy applies to all employees of the Town of Grafton including those who operate light trucks as well as safety sensitive vehicles. Nothing in this policy shall subject an employee to disciplinary action if:

A. The employee possesses or stores an alcoholic beverage or controlled substance in the course of the employee's official duties as a police officer or a provider of emergency medical care.

B. The employee consumes an alcoholic beverage or uses a controlled substance in the furtherance of the employee's official duties as a police officer.

III. DEFINITIONS:

Words or phrases used in this Policy are defined in 49 CFR 382.107 or, if not defined in that Section, 49 CFR 40.3, 40.73, 386.2 and 390.5.

Safety-sensitive- For the purpose of this Policy, safety-sensitive shall refer to all employees required by the Town to obtain and retain a Commercial Drivers License ("CDL")

IV. PROCEDURES:

A. Types of Tests To the extent practicable, all tests will be conducted during employees normally scheduled work hours. The following tests are required:

1. Pre-employment (Pre-use) All applicants for employment in positions requiring Commercial Drivers License (pre-employment), or candidates for transfer or promotion to such position (pre-use) are subject to screening for improper use of alcohol or controlled substances.

2. Post-Accident Conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a

moving violation, and for all fatal accidents even if the driver is not cited for a moving violation. An accident is defined as an incident involving a commercial motor vehicle in which there is a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene. Alcohol tests should be conducted within two (2) hours, but in no case more than eight (8) hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug test must be conducted within thirty two (32) hours.

3. Reasonable Suspicion Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If an employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least twenty four (24) hours. Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with a Department Head or his/her designee, or Town Administrator.

4. Random Conducted on a random, unannounced basis just before, during, or after performance of a safety-sensitive function for alcohol or at any time for drugs. Each year, the number of random alcohol tests conducted by the Town must equal 25% of all CDL drivers including employees with a Hoisting license. Random drug tests conducted by the Town must equal 50% of all CDL drivers including employees with a Hoisting license.

5. Return to Duty and Follow-up Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.

B. Conducting Tests

1. Alcohol DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted.

2. Drugs

A. Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services (DHHS) certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.

B. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal

controlled substances, the driver has seventy two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis. If an employee requests a split test, he/she shall be responsible for payment of such test.

C. All urine specimens are analyzed for the following drugs:

Marijuana (THC metabolite)
Cocaine
Amphetamines
Opiates (including heroin)
Phencyclidine

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result. If the analysis indicates the specimen has been altered, this will be considered a positive test.

3. Refusal to Participate

Any refusal to participate in any of the types of alcohol and or drug tests authorized in this policy will be treated as indicative of a positive result.

C. Consequences of Alcohol/Drug Misuse

1. Employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing job functions must be removed from performing such duties for twenty four (24) hours. Depending on the circumstance, disciplinary action will be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04)

2. Employees who engage in prohibited alcohol and drug conduct (that is, who test positive for drugs or alcohol use greater than 0.04 or drug use) must be immediately relieved from duty. Employees who are serving a probationary period will be terminated immediately. Non-probationary employees will be offered an opportunity for rehabilitation in accordance with section 3 below.

3. Employees who wish to continue employment with the Town of Grafton must be evaluated by a substance abuse professional and comply with any treatment recommendation to

assist them with an alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period, whichever is appropriate. If an employee chooses not to avail themselves of this rehabilitation opportunity, he or she will be terminated immediately.

4. Employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02 for alcohol or a negative test for drugs, and who are then subject to unannounced follow-up tests at the employee's expense, may return to work.

5. Employees who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy will be terminated immediately.

6. Once an employee successfully completes rehabilitation, he/she shall return to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstance. As a condition of employment, the employee must comply with prescribed follow-up care.

D. Information/Training

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt (Attachment A).

2. All supervisory and management personnel of the Town of Grafton must attend at least two (2) hours of initial training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy, or as needed.

3. This policy will be posted on the employee's bulletin board, website and will be available to all employees.

4. Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, and other employees and the public.

5. All recruitment advertising will include the statement "Drug/Alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.

6. All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety, and be required to sign that they have read and understand the policy.

E. Record Keeping

1. The Town, or its designated vendor, is required to keep detailed records of its alcohol and drug misuse prevention program.

2. Employee alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO, and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information may only be made with the employees consent, or in response to a court order.

F. Pre-employment References

1. The Town must obtain and review the following information from each employer that the driver worked for, in a safety-sensitive position, during the previous two (2) years:

- Information about a test in which the employee's blood alcohol level was 0.02 or greater;
- Information about a positive drug test; and,
- Information about any refusal to participate in the alcohol and drug testing program.

2. The prospective employee must provide his/her former employer with a written release allowing the issue of the information in section 1 above or he or she will not be considered for employment.

3. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.

4. The Town must provide the same information to subsequent employers of current Town employees when provided with a written release.

ATTACHMENT A

TOWN OF GRAFTON

EMPLOYEE CONFIRMATION OF RECEIPT

I hereby certify that I was given a copy of the Town's Alcohol and Drug Testing Policy, and have been given an opportunity to ask questions of my superior about the content of the policy. I certify that I have read and understand the contents of the policy.

Employee's Name

Department

Employee's Signature

Date

TOWN OF GRAFTON

Drug-Free Workplace and Substance Abuse Policy

1. It is the policy of the Town of Grafton to provide a drug free workplace for all of its employees and to comply with the provisions of the United States Drug-Free Workplace Act of 1988. (PL 100-690)
2. Accordingly, the Town of Grafton, as a Federal Grant recipient, hereby notifies every employee that the manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Further, the Town of Grafton hereby notifies every employee that as a condition of employment, no alcohol or illegal drugs shall be used or possessed on Town property or Town equipment by an employee during the work shift of any employee, including all breaks and lunch periods.
3. Violation of this policy shall result in a disciplinary action, including, but not limited to, suspension and/or termination.
4. The Town of Grafton establishes, as a condition of employment, that each employee must abide by the drug-free workplace policies, and that each employee must notify the Department Head, within twenty-four (24) hours of any such conviction, of any conviction for violation of any federal or state criminal drug law occurring in the workplace.
5. The Department Head shall notify the appropriate federal agency and shall have up to ten (10) days from the time of notification by the employee of a conviction for a workplace offense involving drugs to take appropriate personnel action up to and including discharge. The Town of Grafton may require the employee to participate in an approved drug abuse assistance rehabilitation program.

Employees having any questions in regard to this policy are invited to contact their Department Head to discuss their concerns.

This policy is effective as of August 21, 2007.

I hereby acknowledge receipt of this policy.

Witness

Employee

Department

Date